

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

By this amendment, claims 1, 4, 5, 8-10, 24 and 27-31 remain pending, claims 21-23 and 25 having been withdrawn from consideration, and claims 1, 9, 10 and 24 having been amended.

Rejection of Claims 1, 4, 5, 9, 10, 24 and 27-31

On page 3 of the non-Final Office Action of March 15, 2006, the Examiner rejected claims 1, 4, 5, 9, 10, 24 and 27-31 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner indicated that he failed to locate support in the disclosure for, “using the identity provided by the voice mail subscriber to create a storage folder for a specific speaker of the voice mail message.” Applicants submit that amended independent claims 1 and 24 obviate the rejection. Applicants further submit that claims 9 and 10 were amended only to conform those claims with independent claim 1, from which they depend. Applicants also submit that the amendments to claims 9 and 10 do not narrow the scope of those claims.

Independent claim 1 was amended to eliminate the above mentioned phrase and now recites, “creating a storage folder for voice mail messages from the caller corresponding to the received identity.” Applicants submit that this feature is clearly disclosed in the specification. Therefore, Applicants respectfully request that the rejection of claim 1 and dependent claims 4, 5, 9 and 10 be withdrawn.

Amended independent claim 24 was amended similarly to claim 1 and now clearly recites features disclosed in the specification. Therefore, Applicants respectfully request that the rejection of independent claim 24 and dependent claims 27-31 be withdrawn.

Rejection of Claim 8

On page 3 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 3,327,343 to Epstein et al. ("Epstein") in view of U.S. Patent No. 5,797,124 to Wash et al. ("Walsh"), and further in view of U.S. Patent No. 6,766,295 to Murveit et al. ("Murveit"). Applicants respectfully traverse the rejection.

Claim 8 is directed to a method for indexing voice mail messages. The method includes, among other things, when an identity of a caller of a voice mail message cannot be determined, receiving an identity of the caller from a voice mail subscriber, wherein the voice mail message tagged as unknown is used to adapt a previously created speaker model.

On page 4 of the Office Action, the Examiner admitted that Epstein does not disclose or suggest receiving an identity of an unknown message caller from a voice mail subscriber. The Examiner relied on Walsh, at Fig. 2 and col. 3, line 27 through col. 4, line 42, to disclose or suggest this feature. Applicants respectfully disagree with the Examiner.

Walsh, at col. 3, line 27 through col. 4, line 42, discloses:

FIG. 2 is a flow diagram illustrating a preferred embodiment of a menu structure used by a subscriber to access messages in voice mail system 114. Note that system 114 is preferably voice activated. Accordingly, each time system 114 receives an input from the subscriber, system 114 compares the input to the voice templates for each possible command and to the voice templates for each voice message within system 114. Then, system 114 preferably plays a prompt to the subscriber indicating that the command was received and understood.

Assume that the subscriber calls in to retrieve messages. At step 210, voice mail system 114 answers the subscriber's call. At this point, the subscriber identifies him or herself to system 114 by, for example, speaking a password (step 212). Next, at step 214, system 114 asks the subscriber whether it should play new or saved messages. If the subscriber says "new," then system 114 moves to step 216 to process the new messages as described below. If the subscriber says "saved," then system 114 moves to step 218 and processes saved messages in substantially the same manner as described below with respect to new messages. Alternatively, system 114 could be configured to move directly from step 212 to step 216, thereby saving the subscriber the step

of specifying new or saved messages.

At step 220, system 114 announces the number of new messages and plays the headers of current messages in rapid succession. After the headers are played, system 114 waits for the subscriber to speak a particular header (step 222). After system 114 receives a spoken header from the subscriber, system 114 plays the message (step 224) having the header that mostly matches that spoken by the subscriber. If the subscriber remains silent, system 114 plays the messages in the order in which they were received.

While the message is playing, the subscriber can "bargue in" with a new command. In other words, the subscriber can speak a command and voice mail system 114 will immediately stop playing the message and process the command. Otherwise, system 114 plays the whole message and then waits for a command from the subscriber.

Possible subscriber commands include: tag, reply, skip, delete, and save. The "tag" command (step 226) tells system 114 to treat any new messages from the same caller in a special manner. When a tag command is received, system 114 marks the speech recognition template associated with the tagged message and saves the template in database 118. At step 228, system 114 queries the subscriber for a type of tag. Possible tags could include: "page," which causes system 114 to page the subscriber if the caller calls again; "call me," which causes system 114 to call the subscriber if the caller calls again; and "voice mail," which merely directs the caller to voice mail. Obviously, other types of tags can be developed depending upon the subscriber's needs. Once the type of tag is set, system 114 returns to step 222.

The subscriber can also issue a "reply" command (step 230). In response, system 114 prompts the user to record a reply and schedule delivery (step 232). If the reply is directed to another subscriber within voice mail system 114, then system 114 merely places the reply in that subscriber's in box. Otherwise, system 114 can be configured to deliver the message to the return address left by the caller when the message was recorded. Then, system 114 returns to step 222.

Another possible command the subscriber can issue is "skip." The skip command (step 234) moves system 114 to the next message in the subscriber's queue. Accordingly, system 114 returns to step 222. The skipped message remains in the subscriber's in box.

The "delete" command (step 236) deletes the current message from the subscriber's in box. The "save" command (step 238) saves the current message to a different location within the subscriber's voice mail. In addition, the save command can be made the default command if the subscriber does not speak a command within a predetermined time period after the message is played. After the save or delete command, system 114 returns to step 222.

Of course, system 114 resembles a typical voice mail system in that it may have other commands not represented in the flowchart of FIG. 2. For example, system 114 can have a "forward" command that forwards messages to other

subscribers or callers. Similarly, system 114 should have commands for traversing back up the command hierarchy and replaying the new message headers. All of these commands can be implemented in a manner like those discussed above.

Thus, Walsh discloses that when a subscriber calls in and requests to hear new messages, the number of new messages is announced to the subscriber and headers of the current messages may be played to the subscriber. After the system receives a spoken header from the subscriber, the system may play the message that most matches the spoken header to the subscriber.

The subscriber may input a tag command to cause new messages received from the same caller to be treated in a special manner. When the system receives the tag command, a speech recognition template associated with the tagged message may be marked and saved in a database. The subscriber then is requested to enter a type of tag, such as, "page", "call me" and "voice mail".

Applicants submit that the tagging of a voice message by the subscriber, such that new messages from the same caller may be treated in a special manner is not equivalent to receiving an identity of a caller from a voice mail subscriber, as required by claim 8.

Walsh , at col. 4, lines 43-58, further discloses:

FIG. 3 is a flow chart illustrating the steps performed when a tagged caller calls voice mail system 114. At step 310, system 114 answers the caller's call. At step 312, system 114 prompts for and receives a header from the caller as discussed above with respect to FIG. 1. Next, at step 314, system 114 compares the newly received header with a list of speech recognition templates marked in response to the tag command as discussed with respect to step 226.

If the caller's header matches a previously tagged header, then system 114 verifies that the caller is in fact the tagged caller (step 316). Step 316 could be performed, for example, by asking the caller "Are you <play matching header>?" If the caller indicates "yes," then system 114 provides the special treatment indicated by the subscriber at step 228 (step 318). Otherwise, system 114 handles the call in the normal manner (step 320).

Thus, Walsh discloses that when a tagged caller calls the voice mail system and the voice mail system answers the call, the system prompts the user for a header, which may be the

user's name (see Walsh, at col. 2, line 66 through col. 3, line 3). The received header is then compared with speech recognition templates in response to the tag command. If the received header matches a tagged header, the system may ask the caller to confirm his or her identity. If the caller confirms his or her identity, then the received message will be treated in the special manner. However, Applicants submit that Walsh is completely silent regarding any disclosure or suggestion that the caller who identifies him or herself to the voice mail system is a subscriber to the voicemail. Therefore, Walsh fails to disclose or suggest receiving an identity of the caller from a voice mail subscriber, as required by claim 8.

Murveit also fails to satisfy the deficiencies of both Epstein and Walsh.

For at least the reasons discussed above, Applicants submit that claim 8 is patentable over Epstein in view of Walsh, and further in view of Murveit and respectfully request that the rejection of claim 8 be withdrawn.

CONCLUSION

Having addressed all rejections, Applicants respectfully submit that the subject application is now in condition for allowance and a Notice to that effect is respectfully solicited.

Respectfully submitted,

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